

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

FREDERICK GRAY,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 17-356-RAW-SPS
)	
TIFFANY ADE, et al.,)	
)	
Defendants.)	


**OPINION AND ORDER DENYING MOTION
FOR APPOINTMENT OF COUNSEL OR GUARDIAN AD LITEM**

Plaintiff has filed a motion requesting the Court to appoint counsel or a guardian ad litem (Dkt. 70). He alleges he cannot afford to hire an attorney, the issues in this case are complex, he lacks knowledge of the law, and he has extremely limited law library access. He further claims he has suffered from schizophrenia since childhood, and he struggles with his mental illness. In addition, he contends prison officials claim he has too much paper, and trying to maintain his materials can result in his being written up for breaking prison bartering rules.

Plaintiff bears the burden of convincing the Court that his claim has sufficient merit to warrant such appointment. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The Court has carefully reviewed the merits of Plaintiff's claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering Plaintiff's ability to present his claims and the complexity of the legal issues raised by the claims, the Court finds that appointment of counsel or a guardian ad litem is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

ACCORDINGLY, Plaintiff's motion for appointment of counsel or a guardian ad litem (Dkt. 70) is DENIED.

IT IS SO ORDERED this 17th day of October 2018.



Ronald A. White
United States District Judge
Eastern District of Oklahoma